

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID FERNANDEZ and JOEY
FERNANDEZ,

Plaintiffs,

- against -

THE CITY OF NEW YORK; POLICE
OFFICER MARCO PADILLA, Shield No.
25056.1; JOHN DOE #1; JOHN DOE #2;
POLICE SERGEANT ELLIOTT
ZINSTEIN; POLICE OFFICER “FNU”
FREEMAN, Shield No. 19103; POLICE
OFFICER ELBERT TIM, Shield No. 15162;
JOHN DOES and RICHARD ROES,

Defendants.

ORDER

17 Civ. 789 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

On September 21, 2022, this Court adjourned the October 3, 2022 trial date in this matter because Plaintiff Joey Fernandez “was shot multiple times in the Bronx . . . [on] September 15, 2022,” leaving him “unconscious and in the ICU on a ventilator at the hospital.” (See Dkt. Nos. 167-68) On September 28, 2022, Plaintiffs’ counsel reported that his client is now conscious, but remains in the hospital “in a state of delirium.” (Dkt. No. 169) Accordingly, this case is stayed until Plaintiff Joey Fernandez’s medical condition has improved such that he can meaningfully participate in this case.

Plaintiffs’ counsel will continue filing weekly letters addressing his client’s medical condition, in accordance with this Court’s September 21, 2022 order. (Dkt. No. 168)

Dated: New York, New York
September 29, 2022

SO ORDERED.



Paul G. Gardephe
United States District Court